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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,327	10/14/2005	Wilhelmus Reinerius Maria Mens	PHNL030372US	1211
38107 7590 04/09/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS 595 MINER ROAD CLEVELAND, OH 44143			EXAMINER VARGAS, DIXOMARA	
			ART UNIT 2859	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 04/09/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/553,327

Applicant(s)

MENS, WILHELMUS REINERUS
MARIA

Examiner

Dixomara Vargas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 9 is/are allowed.
- 6) ☐ Claim(s) 1-4, 6-8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 10-13 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- a. The claimed invention is directed to a judicial exception to 35 U.S.C. 101 (i.e., an abstract idea) and is not directed to a practical application of such judicial exception (e.g., because the claim does not require any physical transformation and the invention as claimed does not produce a useful, concrete, and tangible result). The language in the claim suggest only a combination of instructions without reciting a structure associated to the procedure and lacks a tangible result and the end of the procedure.

- b. Claims 11-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 9 is merely directed towards a set of instructions capable of being executed by a computer without the computer-readable medium. A computer program's functionality is considered a nonstatutory functional descriptive material because they are not capable of causing functional change in the computer. Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention

which permit the data structure's functionality to be realized. The descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. See MPEP 2106.01 [R-5]

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-8 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Oshio et al. (US 6,515,476 B1).

With respect to claims 1, 10 and 11, Oshio discloses in the US Patent 6,515,476 a magnetic resonance imaging system comprising a reconstruction unit arranged to reconstruct a complex image of complex valued pixels from magnetic resonance signals compute a distribution of phase values of the complex image apply a phase correction to the complex image to form a corrected complex image (column 3, lines 21-39) and iteratively adjust the phase correction (Columns 7-8, lines 65-67 and 1-3 respectively) on the basis of the distribution of phase values of the complex image (column 3, lines 21-39).

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5. With respect to claim 2, Oshio discloses the distribution of phase values of the complex image is represented by a histogram of the phase values of the complex image (column 9, lines 1-27).
6. With respect to claim 3, Oshio discloses the phase correction is controlled on the basis of the test function of the histogram (column 9, lines 16-52).
7. With respect to claim 4, Oshio discloses the test function of the histogram discriminates, in particular enhances peaks, peaks in the histogram from broader distributions (column 9, lines 16-52).
8. With respect to claim 6, Oshio discloses the reconstruction unit is arranged to make the phase correction on the basis of a polynomial phase correction, said polynomial being represented by its polynomial coefficients (column 9, lines 16-52).
9. With respect to claim 7, Oshio discloses the reconstruction unit is arranged to control the phase correction by adjusting polynomial coefficients of the polynomial phase correction (column 9, lines 16-52).
10. With respect to claim 8, see rejection to claims 5 and 6 above.

Allowable Subject Matter

11. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. The following is a statement of reasons for the indication of allowable subject matter:

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c. With respect to claim 5, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a magnetic resonance imaging system wherein the test function is formed by the histogram power function in combination with the remaining limitations of claims 1-4 above.

13. Claim 9 is allowed.

14. The following is an examiner's statement of reasons for allowance:

d. With respect to claim 9, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a magnetic resonance imaging system wherein the polynomial coefficients are adjusted by way of a trial and improve algorithm controlled on the basis of the test function in combination with the remaining limitations of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

15. Applicant's arguments filed 01/18/07 have been fully considered but they are not persuasive.

16. Applicant argues that Oshio fails to teach or fairly suggest the phase value involved with an iterative adjustment wherein the coefficient is adjustable.

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17. The examiner disagrees with applicant's argument since Oshio discloses the equation varying for multiple n values (Columns 7-8, lines 65-67 and 1-3 respectively), and therefore, the coefficient n is adjustable.

18. Applicant argues that Oshio fails to teach or fairly suggest a test function to assess the effectiveness of the phase correction.

19. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., test function to assess the effectiveness of the phase correction) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dixomara Vargas whose telephone number is 571-272-2252. The examiner can normally be reached on Mon-Fri 8am-4:30pm.

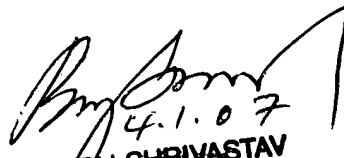
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dixomara Vargas
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4.1.07
EDJ SHRIVASTAV
PRIMARY EXAMINER